

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

KARIN L. KLITZKE,)	CASE NO. _____
)	
Plaintiff,)	
)	
vs.)	NOTICE OF REMOVAL
)	
DANA L. EUBANK and TRANSPORT)	
SPECIALISTS, LLC, a corporation,)	
)	
Defendants.)	

TO: James W.Crampton
1904 Farnam Street, Suite 200
Omaha, NE 68102

Defendants Dana L. Eubank and Transport Specialists, LLC (Defendants) hereby file this Notice of Removal, pursuant to 28 U.S.C. § 1441(a) *et seq.*

In support of this Notice, the Defendants state as follows:

1. Pursuant to 28 U.S.C. § 1446(b), the Defendants timely have filed this Notice “within thirty days after the receipt by the defendant, through service or otherwise, of a copy of the initial pleading. . . .” The Plaintiff, Karin L. Klitzke, filed this Complaint against the Defendants in the District Court of Douglas County on February 10, 2016. On February 16, 2016, Defendant Transport Specialists, LLC received by mail a copy of the Complaint in the lawsuit. (Defendant Dana L. Eubank, the truck driver in this accident, has not been served).

2. Pursuant to 28 U.S.C. § 1446(a), Defendants have attached “a copy of all process, pleadings, and orders served upon [the] defendants” in the lawsuit filed in the District Court of Douglas County, Nebraska.

3. Pursuant to 28 U.S.C. § 1441(a), this case is appropriate for removal, as the United States District Court for the District of Nebraska has original jurisdiction. Pursuant to 28 U.S.C. § 1332, the United States District Court for the District of Nebraska has diversity jurisdiction over the claims asserted in the civil complaint filed in the District Court of Douglas County, Nebraska. Jurisdiction under 28 U.S.C. § 1332(a) requires that the parties are citizens of different states and that the amount in controversy is greater than \$75,000.

- a. According to the Complaint filed in the District Court of Douglas County, Nebraska, the Plaintiff is a citizen and resident of the state of Nebraska. (Complaint, ¶ 1.)
- b. Defendant Transport Specialists, LLC is a West Virginia corporation with its principal place of business in the state of West Virginia.
- c. Defendant Dana L. Eubank is a resident of the state of West Virginia. (Complaint, ¶ 1.)
- d. The Plaintiff also is claiming special damages of \$50,000, general damages as may be determined by the evidence and other further relief as Court deems just and equitable. (Complaint, 2.) By email dated, the Plaintiff's attorney confirmed the Plaintiff is seeking more than \$75,000 in total damages.

4. Pursuant to 28 U.S.C. § 1441(a), this action is properly removable to the United States District Court for the District of Nebraska, as it is "the district court for the United States for the district and division embracing the place where such action is pending."

5. Concurrently with the filing of this Notice of Removal, written notice of the filing is being mailed to the attorney for the Plaintiff and a copy of this Notice is being filed with the clerk of the District Court of Douglas County, Nebraska, pursuant to 28 U.S.C. § 1446(d).

6. Defendants Dana L. Eubank and Transport Specialists, LLC request trial be held in Omaha.

WHEREFORE, Defendants Dana L. Eubank and Transport Specialists LLC request that this matter be removed from the District Court of Douglas County, Nebraska to the United States District Court for the District of Nebraska.

DANA L. EUBANK, and TRANSPORT
SPECIALISTS, LLC, Defendants

BY:

/s/ Matthew F. Heffron

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Attorney for the Defendants

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Notice of Removal was sent by regular United States first class mail, postage prepaid, to the following on this 17th day of March, 2016.

James W. Crampton
1904 Farnam Street, Suite 200
Omaha, NE 68102

/s/ Matthew F. Heffron
Matthew F. Heffron